

**PUBLIC SAFETY DEPARTMENT[661]**

**Adopted and Filed**

**Rule making related to blue alert program**

The Public Safety Department hereby amends Chapter 89, “Missing Persons,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 80H.6.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 80H.

*Purpose and Summary*

These amendments to Chapter 89 implement the Blue Alert Program created by the Legislature in the 2019 Legislative Session to aid in the search for a suspect involved in the death or a serious injury of a peace officer or a peace officer who goes missing while in the line of duty.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 24, 2021, as **ARC 5440C**. A public hearing was held on February 26, 2021. No one attended the public hearing. No public comments were received. One technical change from the Notice has been made to add an item to reserve a range of rule numbers that will precede new Division III.

*Adoption of Rule Making*

This rule making was adopted by the Department on April 1, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on May 26, 2021.

The following rule-making actions are adopted:

ITEM 1. Reserve rules **661—89.204** to **661—89.299**.

ITEM 2. Adopt the following new **661—Chapter 89**, Division III heading:

DIVISION III  
BLUE ALERT PROGRAM

ITEM 3. Adopt the following new rules 661—89.300(80H) to 661—89.307(80H):

**661—89.300(80H) Blue alert program.** This chapter implements the Iowa blue alert program as a cooperative effort between the department and local law enforcement agencies to aid in the search for a suspect of a crime involving the death or serious injury of a peace officer in the line of duty or a peace officer who is missing while in the line of duty under circumstances warranting concern for the peace officer's safety.

**661—89.301(80H) Definitions.** The definitions in Iowa Code section 80H.1 are adopted and incorporated herein. In addition:

*"In the line of duty"* or *"on duty"* means the peace officer is working within the scope of a peace officer, or there is evidence the death or serious injury of the peace officer or the fact the peace officer is missing is related to the peace officer's actions within the scope of a law enforcement officer.

*"Serious injury"* means any of the following:

1. Disabling mental illness;
2. Bodily injury which does any of the following:
  - Creates a substantial risk of death;
  - Causes serious permanent disfigurement; or
  - Causes protracted loss or impairment of the function of any bodily member or organ.

**661—89.302(80H) Criteria for alert for officer injury or death.** A blue alert shall be issued by Iowa state patrol communications upon receipt of a request from a law enforcement agency, provided that the following criteria for issuance of a blue alert are met:

1. A peace officer has suffered death or serious injury in the line of duty;
2. A law enforcement agency believes that the suspect has not been apprehended;
3. A law enforcement agency believes that the suspect may be a serious threat to the public;
4. Sufficient descriptive information is available to disseminate to the public that could assist in locating the suspect.

**661—89.303(80H) Criteria for alert for missing officer.** A blue alert shall be issued by department communications upon receipt of a request from a law enforcement agency, provided that the following criteria for issuance of a blue alert are met:

1. A peace officer is missing while in the line of duty under circumstances warranting concern for the peace officer's safety;
2. Sufficient descriptive information is available to disseminate to the public that could assist in locating the missing peace officer.

**661—89.304(80H) Alternative alert if criteria are not satisfied.** If a blue alert has been requested and the criteria established in rules 661—89.302(80H) and 661—89.303(80H) are not satisfied, the department may broadcast identifying information of the suspect, issue a missing person alert, or both.

**661—89.305(80H) Activation procedures.**

**89.305(1)** An Iowa blue alert shall be issued by department communications upon receipt of a request from a participating law enforcement agency, provided the criteria established in rules 661—89.302(80H) and 661—89.303(80H) are met.

**89.305(2)** In order to initiate an Iowa blue alert, a law enforcement agency shall submit by facsimile transmission a completed copy of the “State of Iowa Blue Alert Notification Plan Facsimile Transmission Packet” to the Des Moines station of department communications. If transmission to the Des Moines station is not feasible, transmission may be made to the Cedar Rapids department communications.

**89.305(3)** Upon establishment of the blue alert criteria established in Iowa Code section 80H.3 and rules 661—89.302(80H) and 661—89.303(80H), the department shall transmit a blue alert through the emergency alert system to Iowa broadcasters.

**89.305(4)** Upon the transmission of a blue alert, the department shall post the alert on its website, accessible by the public.

NOTE: The website of the department is [dps.iowa.gov](https://dps.iowa.gov).

**89.305(5)** After an initial blue alert transmission, additional information may be submitted by the participating law enforcement agency by facsimile transmission, electronic mail, or telephonic means.

**89.305(6)** The bureau chief of the department communications bureau may direct the transmission of an Iowa blue alert upon request from another state, provided that there is evidence the suspect may be present in Iowa.

**89.305(7)** The blue alert transmission may be directed to a specific geographic location within the state if the department communications bureau determines that the nature of the event makes it probable that the suspect or peace officer did not leave a certain geographic location of the state.

**661—89.306(80H) Information made public.** The department communications bureau shall not release any information about the identity of a peace officer in a case involving the death or serious injury of the peace officer who is the subject of a blue alert.

If a blue alert is issued because a peace officer is missing while on duty, the department communications bureau shall defer to the investigating law enforcement agency about the nature and limits of the officer information to be made public.

**661—89.307(80H) Termination procedures.**

**89.307(1)** A blue alert shall terminate if any of the following occur:

- a.* The suspect or peace officer is located;
- b.* The department determines that the blue alert is no longer an effective tool for locating the suspect or peace officer;
- c.* Five hours have elapsed since the transmission of the blue alert unless otherwise renewed.

**89.307(2)** Law enforcement agencies shall notify the department immediately upon taking a suspect into custody or upon locating the missing peace officer.

These rules are intended to implement Iowa Code chapter 80H.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/21/21.